

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Adjourned Meeting  
October 15, 2003

8:00 a.m.

Meeting Convened. An Adjourned Meeting of the York County Board of Supervisors was called to order at 8:03 a.m., Wednesday, October 15, 2003, in The Gallery, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

**2004 LEGISLATIVE PROGRAM**

Legislators in Attendance: Senator Thomas Norment, Delegate Melanie Rapp, and Delegate Thomas Gear.

Chairman Burgett welcomed Senator Norment and Delegates Rapp and Gear to the Board's annual legislative breakfast, and he asked Mr. McReynolds to briefly review the County's legislative proposals for 2004.

At this time Mr. McReynolds reviewed and summarized the County's legislative requests for 2004 as follows:

**TAXATION, REVENUES, AND COST SHIFTING**

Issue: York County asks that the General Assembly maintain the vital state and local partnership

Position: York County supports a thorough reassessment of Virginia's current tax structure, but opposes using tax restructuring efforts as a vehicle for shifting additional costs and/or service demands to localities.

Request: Provide local governments with more direct tax authority and enact legislation directing the 5 percent of state income tax revenues be returned to localities.

Issue: Consolidated Telecommunications Taxation

Request: Oppose any legislation that will reduce the local ability to assess taxes.

Issue: Virginia Juvenile Community Crime Control Act (VJCCC'A) Funding

Request: Restore the reductions in funding in the Virginia Juvenile Crime Control Act made by the 2002 General Assembly.

Issue: VDOT—Revenue Sharing

Request: increase state funding for VDOT's revenue sharing program from \$15 million to \$20 million.

Issue: Local Cigarette Tax

Request: Adopt enabling legislation to authorize counties with authority to impose local taxes on cigarettes.

BASE REALIGNMENT AND CLOSURE COMMISSION (BRAC)

Request: The General Assembly is asked to appropriate \$250,000, which will be matched by an equal amount from the Hampton Roads Planning District Commission for the 2005 BRAC process.

TRAFFIC SAFETY

Issue: "Photo-red" Traffic Signal Enforcement

Request: Include York County in legislation expanding the list of localities authorized to have "photo red" traffic signal enforcement.

Issue: Driving Under the Influence (DVI) Enforcement

•Request: Enact legislation enforcing tougher sentencing guidelines for the offense of driving under the influence to include;

- A driver convicted of their first offense should lose their license for a period of time, no exceptions.

- A driver convicted of a second offense should be sentenced to a jail term of not less than six months, and lose their license for at least two years.

- A third offense would result in a possible felony conviction.

LOCAL AUTHORITY

Issue: Parking Regulations

Request: Amend State Code to allow York County to regulate the parking of commercial vehicles as defined by County ordinance, without the need for approval by the Commonwealth Transportation Board.

Issue: Abandoned Advertising Signs

Request: Amend the Code of Virginia to clarify that localities can remove certain abandoned advertising signs at the owner's expense if an order to remove the sign has been ignored or if the owner of the sign cannot be located.

REMOVAL OF PUBLIC OFFICERS

Request: Amend State Code of Virginia § 24.2-233 to allow removal of elected and certain appointed officers upon conviction of misdemeanor offenses for assault and battery and sexual misconduct against employees.

ADMINISTRATION OF THE STATE'S JUDICIAL SYSTEM

Issue: Substitute Days for Judges of the General District and Juvenile and Domestic Relations Courts

Request: Restore funding for substitute judges which was reduced by the 2003 General Assembly.

Chairman Burgett then asked each of the Supervisors to share their thoughts with the legislators as to the items they would like to see supported. He indicated the telecommunications item was a big item to him, noting the County would never be able to make up the money.

Mr. McReynolds explained the recommendation to eliminate the 911 and cable franchise fees and go to a state-wide sales and use tax. He recognized the need to work to address some of the issues the industry has, but at the same time what is on the table for consideration at this time is not acceptable to York County.

Discussion followed concerning previous legislation concerning the 911 fee.

Mr. Norment suggested that the Board talk to VACo and the Virginia Municipal League because they are looking at developing a unified position on the issue.

Mr. McReynolds noted he sits on the VACo Telecommunications Committee, and it voted unanimously to oppose what has been proposed so far.

Mr. Norment recommended that it be revisited because they are working hard to present a unified position.

Mr. McReynolds indicated the biggest concern is dealing with different rates in different localities. He stated the opposition would like to see one rate across the state and write one check to the state.

Mr. Shepperd noted that 8 of the 13 major items of the County's Legislative Program are tied to funding issues in one form or another, and the two parts that are the most important to him deal with the issue of the state's tax restructuring and VDOT Revenue Sharing. He stated his district feels the tax structure is archaic and ridiculous, and the localities are constantly getting hit with unfunded mandates. Mr. Shepperd then asked the legislators to give VDOT the resources it needs to fund highways and ditches. He stated that if funding was the issue, the General Assembly should address it across the state and not just in certain areas.

At 8:44 a.m. Ms. Rapp left the meeting, but stated before leaving that she had always supported York County's legislative requests or saw to it that some other member of the General Assembly sponsored the requests.

Mr. Wiggins indicated that the cigarette tax was his major issue. He stated the County doesn't want people coming from other localities and spending their money in York County on cigarettes. He stated the County wants to be able to tax the purchase of cigarettes like cities do. He stated his other top issue is the request concerning stiffer penalties for those caught driving while under the influence laws.

Discussion followed concerning the history of counties not having authority to impose a tax on cigarettes and why the General Assembly has not seen fit to give them the authority.

Mrs. Noll stated she felt the state needs a tax restructuring, and the time has come for the General Assembly to have the courage to do it. She noted that increased VDOT Revenue Sharing funds would help the County tremendously, and she stressed the importance of providing necessary funding concerning the Base Realignment and Closure Commission, noting that the military presence in Hampton Roads is vital to the economy.

Mr. Gear asked who came up with the figure of \$250,000.

Mrs. Noll stated the Hampton Roads Planning District Commission (HRPDC) developed the figure, keeping the fiscal constraints of the state in mind, yet feeling it would be sending a signal to the federal government that the state was supporting the military.

Mr. Gear stated he felt the legislation should ask for more. It would be devastating to pull a couple of bases out of Virginia.

Mr. Zaremba stated he did not understand why counties are treated differently than cities, and it seemed to him that too often the legislative request effort is piecemealed. He stated what the Board of Supervisors needed from its legislative delegation was to tell them what they are doing wrong, and he asked that at the end of the 2004 session the legislators meet again with the Board members for a feedback session as to what could have been done differently to make more happen in York County's favor.

Senator Norment stated he had helped James City County revise how they compile their submission by breaking the written presentation down into issues that they know VACo or VML will support and then list localized issues. He noted there are many forums after the session where he gets questions about what happened during the session, and he meets with James City County to do a critique. Senator Norment stated he would be happy to do the same for York County. He noted that lots of decisions are made during the legislative process which are not apparent to everyone at home. Issues somehow get tacked on to other issues, and this is what goes on internally in the General Assembly. He stated that no one can expect unanimity within the County's legislative delegation.

Mr. Gear suggested that the county would have a tough time of getting the photo red legislation out of the House committee. He stated he originally liked the proposal before his constituents expressed their opposition.

Mrs. Noll noted that York County's constituents have asked for this legislation.

Chairman Burgett asked Senator Norment and Mr. Gear their feelings on the issues during the upcoming session.

Senator Norment indicated he did not know what would happen concerning legislation tied to revenues, stating the General Assembly would be patching pieces together. The commission studying the revisions to the tax codes will come out with some recommendations, and the Governor has a plan; but no one will know what it is until after the elections. He then stated he did not feel there would be a problem with getting \$250,000 for the BRAC, that the General Assembly needs to do whatever it has to to protect the federal presence. With regard to VDOT, he stated the General Assembly is not going to pump significant amounts of new revenue into it until it is sure it is being managed correctly. The people don't trust VDOT, although he stated he felt the Governor and Mr. Shucet were doing a good job. Senator Norment noted he would support the legislation to equalize counties with cities, and he agreed with Mr. Gear that the photo red legislation would be hard to get out of the House. Regarding tougher DUI legislation, he stated he knows the laws work, but they do not affect the lifestyle of the average citizen. He also indicated his support of the removal of public officers legislation. Senator Norment concluded by stating that 2004 would be about money in the General Assembly because it will start closing the \$2 billion shortage.

Mr. Gear noted his agreement to have a follow-up session between the Board of Supervisors and the legislative delegation.

Meeting Adjourned. At 9:17 a.m. Chairman Burgett declared the meeting be adjourned sine die.

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James O. McReynolds, Clerk  
York County Board of Supervisors

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James S. Burgett, Chairman  
York County Board of Supervisors